

**IDAHO BOARD OF OPTOMETRY**  
**Division of Occupational and Professional Licenses**  
P.O. Box 83720  
Boise, ID 83720-0063

**Board Meeting Minutes of 5/18/2020**

**BOARD MEMBERS PRESENT:** Aaron J Warner, O.D. - Chair  
Lance W Fagan, O.D.  
Terri L Haley, O.D.  
William Von Tagen  
Jared Walker, O.D.

**DIVISION STAFF:** Dawn Hall, Deputy Division Administrator  
Lori Peel, Investigative Unit Manager  
Nicholas Krema, General Counsel  
Rob McQuade, Legal Counsel  
Cesley Metcalfe, Board Specialist  
Roam Yocham, Board Specialist

**OTHERS PRESENT:** Lisa White, Idaho Optometric Physicians  
Lance Giles, Idaho Optometric Physicians  
Kris Ellis, Idaho Optometric Physicians  
Jason Kreizenbeck, Lobby Idaho

The meeting was called to order at 9:38 AM MDT by Aaron J Warner, OD.

**[COMPLAINT MEMORANDUM](#)**

Ms. Peel gave the investigative report, which is linked above.

**EXECUTIVE SESSION**

Dr. Haley made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to discuss documents relating to the fitness of a licensee to retain a license or registration. It was seconded by Dr. Fagan. The vote was: Dr. Warner, aye; Dr. Fagan, aye; Dr. Haley, aye; Dr Walker, aye; and Mr. von Tagen, aye. Motion carried.

Mr. von Tagen made a motion to come out of executive session. It was seconded by Dr Haley. Motion carried.

## **FOR BOARD DETERMINATION**

Mr. von Tagen made a motion to approve the Division's recommendation and authorize closure in case number I-OPT-2019-1, and to approve the Settlement Orders in case numbers OPT-2020-4 and OPT-2020-5 and allow the Board chair to sign on behalf of the Board. It was seconded by Dr. Haley. Motion carried.

## **DISCIPLINE**

Dr. Haley made a motion to close case numbers OPT-2020-2 and OPT-2020-3 with a warning letter. It was seconded by Mr. von Tagen. Motion carried.

Mr. von Tagen made a motion to approve the Consent Order in case number OPT-2019-4 and allow the Board chair to sign on behalf of the Board. It was seconded by Dr. Haley. Motion carried.

## **LAWS AND RULES**

Mr. McQuade explained the deadlines for 2021 legislation. Dr. Warner reviewed the progress and status of the legislation that was presented to the 2020 Legislature. The Board discussed how it would like to proceed with the rewrite of its Act.

Dr. Warner stated that some of the ophthalmologists who testified against the 2020 legislation have reached out to express hope that common ground can be found on training and supervision requirements for a scope expansion that includes laser therapeutics.

Dr. Warner asked Mr. Kreizenbeck if the Idaho Society of Ophthalmology (ISO) is willing to work with other interested parties on an expansion of the scope of optometry practice. Mr. Kreizenbeck responded that due to the COVID-19 pandemic, the ISO has not had the opportunity to discuss the topic and that he hasn't been given any direction in this matter.

Ms. Ellis stated that the Idaho Optometric Physicians (IOP) legislative committee has met and agreed that it will continue to meet with interested parties and that it will support the Board if it chooses to carry legislation in the next legislative session.

Ms. Hall suggested that the Board may want to submit two separate bills for legislation so that if the bill with a scope of practice expansion doesn't pass, the Board is still able to reorganize and modernize its Act with a clean-up bill. Dr. Warner expressed concern that a clean-up bill cannot be written without adding the expanded scope of practice because the scope of practice in the current Act is entwined throughout. Mr. McQuade stated that a draft statute can be written with an appropriate scope of practice that can be easily amended in the future.

The Board chose to move forward with legislation for the 2021 session and to continue to work with interested parties on a possible scope of practice expansion. Dr. Warner and Mr. von Tagen will continue comprise a subcommittee to work on the legislation.

## **BOARD BUSINESS**

### **CORRESPONDENCE**

The Board reviewed correspondence from the Council on Optometric Practitioner Education (COPE) regarding a temporary rule modification. All live COPE-accredited continuing education (CE) activity that is currently scheduled may award live CE credit for those courses if they are presented in an interactive distance learning format. This modification is currently in effect through June 30, 2020. No action was taken.

The Board reviewed correspondence from Jeffrey Ness requesting a waiver of the exam score and cardiopulmonary resuscitation licensure requirements. The Board also reviewed the Division's response stating that the Board is unable to grant a waiver based on the Board's laws and rules. Dr. Haley stated that there should be a provisional waiver granted, that a license should be issued, and that the individual can supply the requirements once they are available. Mr. Crema stated that the Board does not have the authority to grant a provisional waiver.

### **EXECUTIVE SESSION**

Dr. Fagan made a motion that the Board go into executive session under Idaho Code § 74-206(1)(d) to consider records that are exempt from disclosure under the Idaho Public Records Law, Idaho Code § 74-106(9). The purpose of the executive session was to consider documents relating to the fitness of an applicant to be granted a license or registration. It was seconded by Dr. Walker. The vote was: Dr. Warner, aye; Dr. Fagan, aye; Dr. Haley, aye; Dr Walker, aye; and Mr. von Tagen, aye. Motion carried.

Mr. von Tagen made a motion to come out of executive session. It was seconded by Dr. Walker. Motion carried.

### **COVID-19 LICENSING QUESTIONS**

Dr. Haley made a motion to accept nine (9) hours of live online continuing education in place of the required nine (9) hours of face to face continuing education through the end of 2020, and the remaining nine (9) hours may be completed online or through home-study. It was seconded by Dr Walker. Motion carried.

The Board directed Bureau staff to add a notification of the temporary CE policy to the front page of the Board's the website, to email it to all licensees for whom the

Board has email addresses, and to provide this information to the Idaho Optometric Physicians for dissemination to its members.

**NEXT MEETING** was scheduled for June 29, 2020 at 9:30 AM MDT.

## **ADJOURNMENT**

Mr. von Tagen made a motion to adjourn the meeting at 11:55 AM MDT. It was seconded by Dr. Haley. Motion carried.

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Aaron J Warner, O.D., Chair